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EXAMINER

BROWN, TIMOTHY M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20041212

Application Number: 09/849,979
Filing Date: May 08, 2001
Appellant(s): GANESAN ET AL.

Alfred A. Stadnicki
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 20, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection To Be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed in the brief is correct. A copy of the outstanding final rejections are reproduced as an exhibit to this answer.

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(7) Prior Art of Record

6,175,823	Van Dusen	1-2001
5,984,180	Albrecht	11-1999

Lenhart, J. "'Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)

(8) Grounds of Rejection

The outstanding final grounds of rejection are presented as an appendix to this answer.

(9) Response to Argument

Rejection of Claims 58, 63, 65-69 and 74-79 as Anticipated by Van Dusen (Appellant's section 1.1)

Appellant argues Van Dusen does not teach an electronic greeting card (Appeal, pp. 8-9). In particular, Applicant notes Van Dusen discloses an e-mail message and not an electronic greeting card (Appeal, p. 9). However, this interpretation of Appellant's electronic greeting card is completely inconsistent with the specification. The specification provides that "[t]he e-card site sends the e-card to the recipient via e-mail. As discussed above, the e-mail may be the entire e-card . . ." (specification, p. 67, lines 13-15, emphasis added). Van Dusen's "e-mail-based gift certificate" (col. 6, lines 8-9) therefore teaches Applicant's electronic greeting card.

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Appellant alleges the specification does not teach that the electronic greeting card may comprise an email. The Examiner respectfully submits this ignores the express language of Appellant's specification. As noted above, the specification is clear in what it states. It states "the e-mail may be the entire e-card electronic greeting card." The Examiner submits Appellant's interpretation of the claimed electronic greeting card is a contrived construction devised to read around the teachings of Van Dusen.

Claims 63 and 74

Appellant argues Van Dusen does not teach further transmitting the electronic greeting card to a non-designated recipient along with a hyperlink, and activating the hyperlink to identify the non-designated recipient. The Examiner respectfully submits Van Dusen teaches this feature through one embodiment of its electronic greeting card email.

Before applying Van Dusen to the invention, it is worth defining the scope of claims 63 and 74. According to the claims, the electronic greeting card is transmitted to a "designated recipient." The Examiner submits that this "designated recipient" is the same as Van Dusen's account identifier. This is because, like Appellant's "designated recipient," Van Dusen's account identifier is used to attribute a monetary gift to a specific, designated recipient (col. 4, lines 41-45). Furthermore, when Van Dusen's email greeting card is sent to a single account, it is designated. That is, the account is identified such that email greeting card is sent to a designated recipient. Van Dusen also provides that its email greeting card may be sent to multiple, non-designated

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recipient accounts. When this is the case, the email greeting card is sent with multiple hyperlinks. Each of these hyperlinks represents a separate account that has its own shipping address and credit card number (see col. 4, lines 49-54). Thus, when the recipient of the email greeting card selects one of these hyperlinks, he is effectively "further transmitting" the email greeting card to a recipient that was not initially designated. Accordingly, Van Dusen teaches the limitations of claims 63 and 74.

Appellant also argues that Van Dusen does not teach *directing a crediting of funds to a deposit account at a financial institution* (Appeal, p. 12). The Examiner respectfully submits that Van Dusen teaches this limitation because Van Dusen allows users to use a credit card to purchase an email greeting card (see col. 3, lines 55-60). Using a credit card in this manner necessarily involves the purchaser's creditor crediting a deposit account that is associated with the seller. Because maintaining such an account on behalf of the seller is a financial service, the seller's deposit account would be maintained by a financial institution. Therefore, Van Dusen teaches Appellant's directing a crediting of funds to a deposit account at a financial institution.

Claim 75

Appellant argues Van Dusen does not teach that the *payment account of the donor is debited after the recipient of the greeting card activates the hyperlink that directs the crediting of funds to the recipient's account*. The Examiner respectfully disagrees. Van Dusen teaches this feature in its disclosure of the email greeting card. As expressly stated in Van Dusen, "[w]hen the recipient selects this hyperlink 30, the

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claim code is conveyed to the Web site . . . and is used by the site to automatically identify and credit the recipient's personal account." (Col. 4, lines 16-20). Based on this express language, Van Dusen teaches the claimed debiting the account after the recipient activates the hyperlink.

Claims 66 and 77

Appellant argues Van Dusen does not teach having a greeting card service make the request to send the electronic greeting card (Appeal, p. 13). The Examiner respectfully disagrees. Claims 66 and 77 state "wherein the request [to send an electronic greeting card] is received from an electronic greeting card service." The Examiner submits this language reads on the simple command that is issued when Van Dusen transmits a purchased email greeting card. This is because sending the email greeting card to the recipient requires the greeting card service to submit a request to the recipient's Internet service provider such that the greeting card is delivered to the recipient. Thus, Van Dusen teaches having a greeting card service make the request to send the electronic greeting card.

Claims 67 and 78

Appellant argues Van Dusen does not teach an electronic greeting card, or directing the crediting of funds to an account (Appeal, p. 14). The Examiner respectfully submits Van Dusen teaches an electronic greeting card as noted under Claims 58, 63, 65-69 and 74-79 above. The Examiner also submits that Van Dusen teaches directing

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a crediting of funds to an account. This is because Van Dusen teaches the narrower limitation of "directing a crediting of funds to a deposit account at a financial institution" as noted under claims 63 and 74 above.

Claims 68 and 79

Appellant argues Van Dusen does not teach transmitting a generated electronic greeting card to an electronic greeting card service. The Examiner respectfully submits that Van Dusen teaches this feature through its process for ordering an email greeting card. This is because the user generates the email greeting card by completing the form depicted in Figure 1. This form allows the user to identify, *inter alia*, the gift recipient and the gift amount. It is clear that this form automatically generates the email greeting card before transmitting it to the email greeting card service because completing and sending the form results in an irrevocable transmission of the completed email greeting card; see "Important" at bottom of Figure 1. Therefore, Van Dusen teaches the limitations of claims 68 and 79.

The Rejection of Claims 58 65, 67-69, 75, 76, 79 and 80 under Van Dusen in View of Lenhart (Appellant's section 1.2.)

Claim 80

Appellant argues the combination of Van Dusen and Lenhart fails to teach (1) an electronic greeting card, (2) a monetary gift, or (3) a crediting of funds to a deposit

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account (Appeal, pp. 15-16). The Examiner respectfully submits that the Van Dusen/Lenhart combination teaches each of these limitations.

As to the first limitation, the Examiner maintains that Van Dusen teaches an electronic greeting card as discussed under claims 58, 63, 65-69 and 74-79 above. Nonetheless, if Van Dusen lacked an email greeting card as Appellant alleges, it would have been obvious to modify Van Dusen to include this feature from Lenhart. This is because Lenhart's greeting would provide enhanced visual effects such as "moving images, voices and music" (Lenhart, p. 1, second paragraph). Thus, the combination of Van Dusen and Lenhart would have been obvious for at least this reason.

As to the second limitation, Van Dusen teaches a monetary gift. This is because Van Dusen allows users to order and send a gift certificate that has a specific dollar amount (see Fig. 1, steps 2 and 3). Thus, Van Dusen teaches a monetary gift.

As to the third limitation, Van Dusen teaches a crediting of funds to a deposit account. According to Van Dusen, an email greeting card and gift certificate is sent to a recipient. The email greeting card includes at least one hyperlink. Van Dusen expressly states that "[w]hen the recipient selects this hyperlink 30, the claim code is conveyed to the web site . . . and is used by the site to automatically identify and credit the recipient's personal account." (Col. 4, lines 16-20). Van Dusen's personal account represents a deposit account because activating the hyperlink results in the gift certificate being "deposited into the recipient's account." (Col. 4, lines 36-37). Based on this disclosure, Van Dusen teaches crediting a deposit account.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The Rejection of Claims 59-62, 64 and 70-73 under Van Dusen in View of Lenhart and/or Albrecht (Appellant's section 1.3.)

Claims 59 and 70

Appellant argues that neither Van Dusen nor Lenhart teach transmitting the electronic greeting card either subsequent to, or concurrent with the directing of the crediting of funds (Appeal, p. 17). The Examiner maintains that changing the sequence of steps in a method is prima facie obvious in the absence of some unexpected result. *In re Lindberg* 39 CCPA 866, 1952 C.D. 182, 663 O.G. 589, 194 F.2d 732, 93 USPQ 23. In the present case, Applicant has simply modified Van Dusen to credit a recipient's account before transmitting the greeting card, rather than after transmitting the greeting card. This does not produce any unexpected result since the method still

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directs funds to a deposit account in connection with an electronic gift card. Therefore, modifying Van Dusen with the teachings of Albrecht is prima facie obvious.

Claims 60 and 71

Appellant asserts that Van Dusen fails to *direct a crediting of funds to a deposit account at a financial institution* (Appeal, p. 18). Appellant further notes that the Examiner's position is unclear because Van Dusen was previously stated as teaching a crediting of funds to a deposit account at a financial institution (e.g. claims 63 and 74). The rejection of claims 60 and 71 was offered in the alternative. That is, the rejection of claims 60 and 71 assumes, for the sake of argument, that Van Dusen lacks a deposit account financial institution. In any case, modifying Van Dusen to include the crediting a deposit account at a financial institution would have been obvious in view of Albrecht.

Albrecht is disclosed as an improvement over ordinary monetary gift accounts. Albrecht uses a financial institution to provide a gift recipient with a deposit account that is accepted by any retailer (online or physical) that accepts ordinary credit cards (col. 3, lines 4-6). Based on this disclosure, one skilled in the art would have appreciated the value of giving a gift certificate that could be used to buy items at any retailer that accepts credit cards. Therefore, at the time of Appellant's invention, it would have been obvious to modify Van Dusen with the teachings of Albrecht.

Claim 64

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Appellant submits the Examiner has completely ignored claim 64's requirement that the deposit account be at a financial institution. The Examiner kindly directs the Board's attention to the rejection of claim 64 from the Exhibit. There, the rationale for the combination of Van Dusen and Albrecht is stated. The Examiner also incorporates by reference the discussion of claims 60 and 71 above.

The Rejection of Claim 81 under Van Dusen in View of Lenhart and Official Notice

Claim 81

As understood by the Examiner, Appellant argues that the documents used to support the Examiner's assertion of Official Notice do not teach the claim limitations. The Examiner respectfully disagrees. Official Notice was taken that the broad limitation, *wherein the funds are directed to be credited to the deposit account from the deposit account associated with the service provider*, was old and well known in the art. Despite its convoluted language, this limitation reads on one bank customer depositing funds into another bank customer's account wherein the customers belong to the same bank. As demonstrated by the references offered by the Examiner, this step is neither new or non-obvious when viewed in the light of Van Dusen. This is because the combination of Van Dusen and the Examiner's Official Notice would make it possible the gift donor and the gift recipient to have a common creditor, such as Visa. The combination of Van Dusen and the Examiner's Official Notice is therefore proper.

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Van Dusen Teaches Each of the Limitations Discussed Above (Appellant's section 2)

Appellant argues that Van Dusen does not teach each of the claim limitations as asserted by the Examiner (Appeal, p. 21). The Examiner respectfully submits Van Dusen teaches each claim limitation for which it is offered as discussed above.

The References Suggest the Claimed Invention (Appellant's section 3 and 4)

Appellant argues that the cited references do not suggest the invention (Appeal, pp. 23-30). The Examiner submits the combination of references was properly motivated as discussed above.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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APPENDIX

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 58, 63, 65-69, and 74-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Dusen (US 6,175,823).

Regarding claims 58 and 63, Van Dusen teaches a method for making a monetary gift, comprising:

receiving, via a network, a request to send an electronic greeting card and to make an associated monetary gift in an amount, on behalf of a requesting donor to a designated recipient;

processing the received request to generate the electronic greeting card including a notification of the monetary gift;

transmitting, via the network, the generated electronic greeting card to the designated recipient; and

directing a crediting of funds equal to the monetary gift amount to a deposit account (see Abstract; col. 2, lines 58-64; col. 3, lines 37-67; col. 4, lines 33-54; and col. 5, lines 1-10).

Regarding claim 65, Van Dusen teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member

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of an enclosed community prior to the directing of the crediting of the funds to the deposit account associated with the designated recipient; and if it determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 6, lines 56-60).

Regarding claim 66, Van Dusen teaches wherein the request is received from an electronic greeting card service (Fig. 2; and col. 3, lines 37-63).

Regarding claim 67, Van Dusen teaches wherein the request is received by, the received request is processed by and the generated electronic greeting card is transmitted by an electronic greeting card service (Fig. 2; and col. 3, lines 37-63); and

the crediting of funds is directed by a payment service provider (col. 3, lines 55-63).

Regarding claim 68, Van Dusen teaches transmitting, via the network, the generated electronic greeting card to an electronic greeting card service prior to transmitting the electronic greeting card to the designated recipient (col. 3, lines 37-63).

Claims 69 and 75-79 are rejected under Van Dusen as discussed under claims 58, 59 and 65-68 as claims and 75-79 are directed to a system for accomplishing the method of claims 58, 59 and 65-68.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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In the alternative, claims 58, 65, 67-69, and 75, 76, 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "'Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)).

Regarding claim 58, Van Dusen teaches a method for making a monetary gift, comprising:

receiving via a network, a request to make a monetary gift in an amount on behalf of a donor, to a recipient (col. 3, lines 38-63);

processing a notification of the monetary gift (col. 2, lines 55-67); and

directing a crediting of funds equal to the monetary gift amount to a deposit account associated with the recipient (col. 2, lines 55-67; and col. 3, lines 6-14).

Assuming *arguendo* Van Dusen does not specifically teach the steps of receiving via a network, a request to send an electronic greeting card, processing the received request to generate the electronic greeting card and transmitting, via the network, the generated electronic greeting card to the designated recipient, Lenhart overcomes this deficiency. Lenhart teaches a Website operative to transmit an electronic greeting card wherein a sender fills out a personalized message (page 1, paragraphs 2 and 3; and page 3, paragraph 4). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Lenhart because including the steps of receiving via a network, an input associated with an electronic greeting card, processing the donor's request and input to generate

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the electronic greeting card and transmitting, via the network, the electronic greeting card to the recipient would enable the donor to provide the recipient with a personalized greeting card along with the monetary gift.

Regarding claim 65, Van Dusen further teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member of an enclosed community prior to the directing of the crediting of the funds to the deposit account associated with the designated recipient; and if it determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 6, lines 56-60).

Regarding claim 67, Van Dusen and Lenhart teach all the limitations discussed under claim 58. Assuming Van Dusen does not teach wherein the request is received by, the received request is processed by and the generated electronic greeting card is transmitted by an electronic greeting card service, and the crediting of funds is directed by a payment service provider, Lenhart overcomes this deficiency by teaching receiving a request to process an electronic greeting card as noted under claim 58 above.

Regarding claim 68, Van Dusen and Lenhart teach all the limitations discussed under claim 58. Assuming Van Dusen does not expressly teach transmitting, via the network, the generated electronic greeting card to an electronic greeting card service prior to transmitting the electronic greeting card to the designated recipient, Lenhart

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overcomes this deficiency by teaching a Website operative to transmit an electronic greeting card wherein a sender fills out a personalized message (page 1, paragraphs 2 and 3; and page 3, paragraph 4). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Lenhart because including the steps of receiving via a network, an input associated with an electronic greeting card, processing the donor's request and input to generate the electronic greeting card and transmitting, via the network, the electronic greeting card to the recipient would enable the donor to provide the recipient with a personalized greeting card along with the monetary gift.

Claims 69 and 74-76, 79 and 80 are rejected under Van Dusen in view of Lenhart as discussed under claims 58, 59 and 65-68 as claims 69 and 75, 76, 79 and 80 are directed to a system for accomplishing the method of claims 58, 59 and 65-68.

Claims 59-62, 64 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Albrecht (US Pat. No. 5,984,180).

Regarding claims 59 and 70, Van Dusen teaches all the limitations discussed under claims 58 and 69. Van Dusen does not expressly teach transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. However, Albrecht teaches a method and system for providing a gift card wherein a gift card balance is established by a donor prior to providing the gift card

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to the recipient. At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include Albrecht's teaching of transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. This combination would ensure that the funds for the associated monetary gift are available prior to delivering an indication of the monetary gift to the recipient.

Regarding claim 60, Van Dusen and Lenhart teach all the limitations discussed under the 35 U.S.C. 102(e) rejection of claim 58. Van Dusen does not expressly teach a method of making a monetary gift wherein the deposit account is at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution. At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Regarding claim 61, Van Dusen further teaches activating the hyperlink (col. 2, lines 55-67; and col. 3, lines 6-14); and receiving, via the activated hyperlink, information identifying the recipient (Id.); wherein the funds are directed to be credited to the deposit account subsequent to receipt of the information identifying the recipient; wherein the deposit account is associated with the designated recipient (Id.).

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Regarding claim 62, Van Dusen further teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member of an enclosed community prior to directing of the crediting of the funds to the deposit account associated with the designated recipient (col. 3, lines 64-67; col. 4, lines 64-67; and col. 5, lines 1-10); and if it is determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 4, lines 64-67; and col. 5, lines 1-10).

Regarding claim 64, Van Dusen teaches all the limitations discussed under claim 58. Van Dusen further teaches debiting a payment account associated with the requesting donor (col. 3, lines 55-63); wherein the payment account associated with the requesting donor is debited at one of (1) a time prior to transmitting the electronic greeting card to the recipient, and (2) a time subsequent to an activation of a hyper-link included in the transmitted electronic greeting card (Id.).

Van Dusen does not expressly teach debiting a payment account at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution (Abstract). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

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Claims 71-73 are rejected under Van Dusen and Albrecht as discussed under claims 60-62 as claims 71-73 pertain to a system for accomplishing the method of claims 60-62.

Claims 59-62, 64 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and Albrecht (US Pat. No. 5,984,180).

Regarding claims 59 and 70, Van Dusen and Lenhart teach all the limitations discussed under claims 58 and 69. Van Dusen and Lenhart do not expressly teach transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. However, Albrecht teaches a method and system for providing a gift card wherein a gift card balance is established by a donor prior to providing the gift card to the recipient. At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include Albrecht's teaching of transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. This combination would ensure that the funds for the associated monetary gift are available prior to delivering an indication of the monetary gift to the recipient.

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Regarding claim 60, Van Dusen and Lenhart teach all the limitations discussed under the 35 U.S.C. 103(a) rejection of claim 58. Van Dusen further teaches a method for making a monetary gift wherein the notification includes a hyper-link (col. 2, lines 55-67; and col. 3, lines 6-14); and the funds are directed to be credited to the deposit account subsequent to an activation of the hyperlink (Id.). Assuming Van Dusen does not expressly teach an electronic greeting card that includes a hyperlink, Lenhart overcomes this deficiency as discussed under claim 58.

The combination of Van Dusen and Lenhart does not expressly teach a method of making a monetary gift wherein the deposit account is at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution (Abstract). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Regarding claim 61, Van Dusen further teaches activating the hyperlink (col. 2, lines 55-67; and col. 3, lines 6-14); and receiving, via the activated hyperlink, information identifying the recipient (Id.); wherein the funds are directed to be credited to the deposit account subsequent to receipt of the information identifying the recipient; wherein the deposit account is associated with the designated recipient (Id.).

Regarding claim 62, Van Dusen further teaches processing the received information identifying the designated recipient to determine if the designated recipient

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is a member of an enclosed community prior to directing of the crediting of the funds to the deposit account associated with the designated recipient (col. 3, lines 64-67; col. 4, lines 64-67; and col. 5, lines 1-10); and if it is determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 4, lines 64-67; and col. 5, lines 1-10).

Regarding claim 64, Van Dusen and Lenhart teach all the limitations discussed under claim 58. Van Dusen further teaches debiting a payment account associated with the requesting donor (col. 3, lines 55-63); wherein the payment account associated with the requesting donor is debited at one of (1) a time prior to transmitting the electronic greeting card to the recipient, and (2) a time subsequent to an activation of a hyper-link included in the transmitted electronic greeting card (Id.).

The combination of Van Dusen and Lenhart does not expressly teach debiting a payment account at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution (Abstract). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

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Claims 71-73 are rejected under Van Dusen, Lenhart and Albrecht as discussed under claims 60-62 as claims 71-73 pertain to a system for accomplishing the method of claims 60-62.

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and Official Notice.

Van Dusen and Lenhart teach all the limitations discussed under claim 58. Van Dusen further teaches wherein the request is received, the received request is processed, the generated electronic gift certificate is transmitted, and the crediting is directed by a service provider (col. 3, lines 37-63). Lenhart teaches transmitting an electronic gift card as noted under claim 58. Van Dusen further teaches directing a debiting of funds equal to the monetary gift amount from a deposit account at a financial institution associated with the requesting donor (col. 3, lines 55-63). Van Dusen and Lenhart do not expressly teach directing a debiting of funds equal to the monetary gift amount from a deposit account at a financial institution associated with the requesting donor *to a deposit account at a financial institution associated with a service provider*. However, the Examiner takes Official Notice that providing merchant banking services in connection with an online service is old and well known in the art. Therefore, at the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include directing a debiting of funds to a deposit account at a financial institution associated with a service provider in order to

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provide the greeting card service with a commercial banking account for the receipt of purchasing deposits. Indeed, Van Dusen suggests implementing this combination in that Lenhart discloses receiving credit card payments.

John G. Weiss 12-13-04

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